

From: [Hengst, Benjamin](#)
To: [Dunham, Sarah](#)
Cc: [Charmley, William](#); [Bunker, Byron](#)
Subject: FW: Question re Meeting with API re: RFS
Date: Friday, April 30, 2021 4:03:51 PM

Just an FYI.

We are all on an invite with Joe meeting API on Monday, May 10. Alex Dominguez now works for API and will be at the meeting.

From: Campbell, Ann <Campbell.Ann@epa.gov>
Sent: Friday, April 30, 2021 4:02 PM
To: Hengst, Benjamin <Hengst.Benjamin@epa.gov>
Subject: FW: Question re Meeting with API re: RFS

FYSA

Ann (Campbell) Ferrio

Chief of Staff

EPA/Office of Air and Radiation

Office: 202 566 1370

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Friday, April 30, 2021 3:54 PM
To: Campbell, Ann <Campbell.Ann@epa.gov>
Cc: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Question re Meeting with API re: RFS

Hi Ann,

I just love when your ethics antennae go off! In this case, though, there is no likely post employment concern for Alex.

Alex was Schedule C and non-supervisory so his only restriction under the post employment statute is found at 18 USC 207(a)(1). He is prohibited from representing the interests of another (e.g., API) back to the United States (not just EPA) on the same specific party matters that he

worked on personally and substantially. He is not permitted to make any appearance or communication with intent to influence a federal official on that specific party matter.

In this case, the subject matter of the upcoming meeting is the renewable fuels standards program. Because Alex does not meet the definition at 18 USC 207(c) of a former "senior official," he does not have a one year cooling off period with EPA on all matters. He can come back to EPA even though he left fairly recently and can discuss with us matters of general applicability, such as the biomass-based diesel volumes. So long as Alex does not discuss any specific party matters he worked on -- such as cases, permits, grants, licenses, litigation -- and does not deviate from discussing matters of general applicability, then he will not be violating the post employment statute.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Campbell, Ann <Campbell.Ann@epa.gov>

Sent: Friday, April 30, 2021 3:08 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Question re Meeting with API re: RFS

<< File: API Meeting Reuquest - Joe Goffman External Meeting Request Form 04.26.21.docx >>

Justina, we have a meeting scheduled with API. According to the submitted meeting request form Alex Dominguez, a senior advisor in OAR in the last Administration, is the organizer for this meeting and intends to participate in this meeting with EPA. I just want to be sure we're ok having this meeting with Alex.

Have a nice weekend. Thanks!

Subject: Meeting with API re: RFS

Location: Microsoft Teams Meeting

Start: Mon 5/10/2021 1:30 PM

End: Mon 5/10/2021 2:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Goffman, Joseph

Required Attendees: Alejandra Nunez (Nunez.Alejandra@epa.gov); Benjamin Hengst; Dunham, Sarah (Dunham.Sarah@epa.gov); William Charmley (charmley.william@epa.gov); Alexander Dominguez

Optional Attendees: Byron Bunker

Categories: Blue Category

Microsoft Teams meeting

Join on your computer or mobile app

(b) (5)

Or call in (audio only)

(b) (6)

United States, Washington DC

Phone Conference ID: (b) (5)

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